

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**UNITED STATES OF AMERICA upon the
Relation and for the use of the TENNESSEE
VALLEY AUTHORITY**

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-CV-108-RP

**EASEMENTS AND RIGHTS-OF-WAY OVER
3.94 ACRES OF LAND, MORE OR LESS, IN
DESOTO COUNTY, MISSISSIPPI, et al.**

DEFENDANTS

ORDER AND FINAL JUDGMENT

The United States of America, upon the relation and for the use of the Tennessee Valley Authority (“TVA”) initiated this federal condemnation action on June 10, 2022 to acquire permanent easements and rights-of-way across 212.31 of land located in Desoto County, Mississippi (“the Subject Property”). The easements and rights-of-way that were taken span three of the five parcels owned by Golf, Inc. and encumber 3.94 acres of the subject property. The following table lists the Desoto County tax map and parcel number, size (acreage), and right-of-way size (acreage) for the three parcels of land at issue in this case.

Tax Map/Parcel No.	Parcel Size	Right-of-Way Size	TVA Identifier	Crossed by Easement
1069310000003001	49.00	0		No
1069320000001101	6.73	1.75	MWWPH-12	Yes
1069320000002401	52.98	0.72	MWWPH-21	Yes
1069320000002402	87.2	0		No
1069320000002403	16.4	1.47	MWWPH-9	Yes

On November 9, 2023, this Court entered an Order and Memorandum [ECF #96] granting TVA's Motion for Summary Judgment as to Just Compensation finding that \$97,700.00 is just compensation for the property rights acquired in this case over the 3.94 acres of land at issue. All potentially interested party defendants other than Golf, Inc. have disclaimed their rights to any compensable interest in the case. As such, there is no dispute over the ownership interest or the apportionment that should be assigned to Golf, Inc.

The Court hereby ORDERS and ADJUDGES that:

1. The total amount of compensation available for disbursement is \$97,700.00.
2. The Clerk of Court is authorized and directed to draw a check on the funds deposited in the registry of this Court in this action payable to Golf, Inc. The Clerk of Court is directed to mail said check to counsel for Golf, Inc. to the address on file.
3. The Clerk of Court shall also return to TVA all interest accrued while the funds have been on deposit.ⁱ
4. The vesting of title in the United States of America, free of all liens, claims and encumbrances, as evidenced by the Declaration of Taking filed in this action on June 10, 2022 (ECF #2) is hereby fully and finally confirmed with respect to the easements and rights-of-way described below, said description being the same as in the Attachment 1 to the Stipulations filed herein (ECF #91-1):

Permanent easements and rights-of-way, consisting of the perpetual right to enter at any time and from time to time the present right-of-way and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings,

signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the described land:

TRACT NO. MWWPH-9

A strip of land located in Section 32, Township 1 South, Range 6 West of DeSoto County, Mississippi, as shown on map entitled "Freeport - Miller Tap to West Pleasant Hill Substation Tap to Mineral Wells," drawing L W-8034, Sheets P9BA and P9BB, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commencing at the southwest corner of Section 32, Township 1 South, Range 6 West and the northwest corner of Section 5, Township 1 South, Range 6 West; thence leaving said corner and with the south line of Section 32, Township 1 South, Range 6 West and the north line of Section 5, Township 1 South, Range 6 West, N. 89° 47' 15" E., 1,182 feet to a point, said point being on the centerline of the said location at survey station 47+49.20; thence leaving said point and with the said centerline, N. 35° 11' 04" E., 2,111.68 feet to a point, said point being a point of intersection of the said location at survey station 68+60.88 (said station having been rounded to 68+60.9 on the aforementioned L W drawing); thence leaving said point and with the said centerline N. 88° 38' 24" E., 265.42 feet to a point, said point being in the south property line of the land of Golf, Inc., and in the north property line of the land of Cherokee Development Co., Inc., said point being at survey station 71 + 26.30, said point being the Point of Beginning.

Thence from the Point of Beginning, said parcel being bound on the west by the said property line, and with the said property line, N. 68° 36' 58" W., 129.33 feet to a point, said point being the west right of way line; thence leaving said point with said right of way line N. 88° 38' 24" E., 633.62 feet to a point, said point being a point on said right-of-way line; thence leaving said point and continuing with the said line S. 76° 25' 18" E., 125.15 feet to a point, said point being in the east property line of the land of Golf, Inc., and in the west property line of the land of Golf, Inc. (MWWPH-12); thence leaving said point with said property line S. 0 ° 58' 53" E.,

51.66 feet to a point, said point being at survey station 77+65. 70; thence leaving said point with said property line S. $0^{\circ} 58' 53''$ E., 51.66 feet to a point, said point being on the east right-of-way line; thence leaving said point with said right-of-way line N. $76^{\circ} 25' 18''$ W., 138.02 feet to a point, said point being on the east right-of-way line; thence leaving said point S. $88^{\circ} 38' 24''$ W., 381.64 feet to a point, said point being on the aforesaid common property line of Golf, Inc., and Cherokee Development Co., Inc.; thence leaving said east right-of-way line and with said property line N. $68^{\circ} 47' 50''$ W., 39.48 feet to a point, thence leaving said point and continuing with said property line N. $68^{\circ} 36' 58''$ W, 90.15 feet to the Point of Beginning and containing 1.47 acres, more or less.

Furthermore, said permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 76+34.08.

The above-described parcel of land is lying partially in the northwest 1/4 of the southeast 1/4 and partially in the northeast 1/4 of the southwest 1/4 of Section 32, Township 1 South, Range 6 West of DeSoto County, State of Mississippi.

TRACT NO. MWWPH-12

A strip of land located in Section 32, Township 1 South, Range 6 West of DeSoto County, Mississippi, as shown on map entitled "Freeport - Miller Tap to West Pleasant Hill Substation Tap to Mineral Wells," drawing L W-8034, Sheets P9BA and P9BB, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commencing at the southwest corner of Section 32, Township 1 South, Range 6 West and the northwest corner of Section 5, Township 1 South, Range 6 West; thence leaving said corner and with the south line of Section 32, Township 1 South, Range 6 West and the north line of Section 5, Township 1 South, Range 6 West N. $89^{\circ} 47' 15''$ E., 1,182 feet to a point, said point being on the centerline of the said location at survey station 47+49.20; thence leaving said point and continuing with the said centerline N. $35^{\circ} 11' 04''$ E., 2,111.68 feet to a point, said point being a point of intersection of the said location at survey station 68+60.88 (said station having been rounded to 68+60.9 on the aforementioned L W drawing); thence leaving said point and continuing with the said centerline N. $88^{\circ} 38' 24''$ E., 773.20 feet to a point, said point being a point of intersection of the said location at survey station 76+34.08; thence leaving said point and continuing with the said centerline S. $76^{\circ} 25' 18''$ E., 131.62 feet to a point, said point being in the west property line of the land of Golf, Inc. (MWWPH-12), and in the east property line of the land of

Golf, Inc. (MWWPH-9), said point being in the said location at survey station 77+65.70, said point being the Point of Beginning.

Thence from the Point of Beginning and with the said property line N. 0 ° 58' 53" W., 51.66 feet to a point, said point being in the north right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. 76° 25' 18" E., 393.71 feet to a point, said point being in an east property line of the lands of Golf, Inc. (MWWPH-12), and in the west property line of the land of Carmella Thomas, et vir; thence leaving said point and with the said property line S. 0 ° 13' 20" W., 43.34 feet to a point, said point being a property corner common between the lands of Golf, Inc. (MWWPH-12), Carmella Thomas, et vir, and Warren Price (MWWPH-11), said point being 7 .83 feet left of survey station 81 +56.41; thence leaving said point and with the north property line of the land of Golf, Inc. (MWWPH-12), and the south property line of the land of Warren Price (MWWPH-11), N. 89° 48' 34" E., 177.19 feet to a point, said point being on the north right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. 76° 25' 18" E., 54.63 feet to a point; thence leaving said point and continuing with the north right-of-way line of the said location N. 69° 38' 15" E., 37.73 feet to a point, said point being in the north property line of the land of Golf, Inc. (MWWPH-12), and in the south property line of the land of Warren Price (MWWPH-13); thence leaving said point and with the said property line N. 89° 47' 39" E., 145.10 feet to a point, said point being on the centerline of the said location at survey station 85+87.60; thence leaving said point and continuing with the said property line N. 89° 47' 39" E., 114.71 feet to a point, said point being a property corner common between the lands of Golf, Inc. (MWWPH-12), Warren Price (MWWPH-13), and Curtis Humphrey, said point being 39.53 feet right of survey station 86+95.28; thence leaving said point and continuing with the east property line of the land of Golf, Inc., and the west property line of the land of Curtis Humphrey S. 0 ° 13' 19" W., 11.19 feet to a point, said point being in the south right of way line of the location; thence leaving said point and with the said right-of-way line S. 69° 38' 15" W., 308.22 feet to a point; thence leaving said point and continuing with said right-of-way N. 76° 25' 18" W., 634.99 feet to a point, said point being in the west property line of the land of Golf, Inc. (MWWPH-12), and in the east property line of the land of Golf, Inc. (MWWPH-9); thence leaving said point and with the said property line N. 0 ° 58' 53" W., 51.66 feet to a point, said point being the Point of Beginning and containing 1.75 acres, more or less.

Furthermore, said permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 83+98.39.

The above-described parcel of land is lying partially in the northeast 1/4 of the southeast 1/4 and partially in the northwest 1/4 of the southeast 1/4 of Section 32, Township 1 South, Range 6 West of DeSoto County, State of Mississippi.

TRACT NO. MWWPH-21

A strip of land located partially in Section 32, Township 1 South, Range 6 West and partially in Section 33, Township 1 South, Range 6 West of DeSoto County, Mississippi, as shown on map entitled "Freeport - Miller Tap to West Pleasant Hill Substation Tap to Mineral Wells," drawing LW-8034, Sheet P9BB, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Commencing at the southwest corner of Section 33, Township 1 South, Range 6 West and the southeast corner of Section 32, Township 1 South, Range 6 West; thence leaving said corner and with the east line of Section 32, Township 1 South, Range 6 West and the west line of Section 33, Township 1 South, Range 6 West N. 0° 0' 0" W., 1,908 feet to a point, said point being on the centerline of the said location at survey station 98+36.20; thence leaving said point and with the said centerline N. 89° 50' 54" E., 27.46 feet to a point, said point being a point of intersection in the centerline of the said location at survey station 98+63.66; thence leaving said point with the centerline N. 1° 11' 07" E., 754.94 feet said point being at survey station 106+ 18.60, said point being the Point of Beginning.

Thence from the Point of Beginning and with the said property line N. 89° 57' 40" W., 50.01 feet to a point, said point being in the west right-of-way line; thence leaving said point and with said right-of-way line N. 1° 11' 07" E., 50.82 feet to a point, said point being in said right of way line; thence leaving said point and with said right-of-way line N. 79° 8' 15" E., 269.29 feet to a point, said point being on said right of way line; thence leaving said point with said right of way line N. 39° 28' 44" E., 68 feet to a point, said point being the north property line of Golf, Inc. (MWWPH-21), and the south property line of the State of Mississippi (U.S. Highway 78) (MWWPH-22); thence leaving said point with said property line S. 47° 35' 04" E., 49.30 feet to a point; thence leaving said point with said property line S. 49° 1' 55" E., 0.77 feet to a point said point being at survey station 109+58.30; thence leaving said point and continuing with said property line S. 49° 1' 55" E., 50.02 feet to a point, said point being on the east right of way line; thence leaving said point and with the said right-of-way line S. 39° 28' 44" W., 100.22 feet to a point; thence leaving said point with said right-of-way line of the said location S. 79° 08' 15" W., 54.81 feet to a point, said point being in the south property line of Golf, Inc. (MWWPH-21), and the north property line of Scannell Properties

#402, LLC; thence leaving said point with said property line N. 89° 57' 40" W., 215.94 feet to a point, said point being the Point of Beginning and containing 0.72 acre, more or less.

Furthermore, said permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 106+27.99.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract MWWPH 22, State of Mississippi (U.S. Highway 78), the adjoining road right-of-way shown on the above referenced map.

The above-described parcel of land is lying partially in the southwest 1/4 of the northwest 1/4 of Section 33, Township 1 South, Range 6 West of Desoto County, State of Mississippi and partially in the southeast 1/4 of the northeast 1/4 of Section 32, Township 1 South, Range 6 West of Desoto County, State of Mississippi.

Record landowner as of the date of the filing of the Declaration of Taking - Golf, Inc., L.L.C. (Deed Book 279, pages 612 and 621 and Deed Book 282, page 510, in the office of the Chancery Court Clerk of DeSoto County, Mississippi)

Tax Map and Parcel Nos. 106932000 0002403

106932000 0001101

106932000 0002401

5. Upon request, the Clerk of Court shall furnish to Plaintiff a certified copy of this Order and Final Judgment, which shall serve as muniment of title.

6. This CASE is CLOSED.

SO ORDERED, this, the 9st day of November, 2023.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE

ⁱ See 40 U.S.C. § 3114(c)(1).